

Kevin M. McDonough  
Michael Lacovara (*pro hac vice*)  
**LATHAM & WATKINS LLP**  
885 Third Avenue  
New York, NY 10022  
(212) 906-1200

Arthur F. Foerster (*pro hac vice*)  
Johanna Spellman (*pro hac vice*)  
**LATHAM & WATKINS LLP**  
330 N. Wabash Avenue, Suite 2800  
Chicago, IL 60611  
(312) 876-7700

*ATTORNEYS FOR DEFENDANT BAYERISCHE MOTOREN WERKE  
AKTIENGESELLSCHAFT*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

JOSHUA HU, et al., individually and  
on behalf of all others similarly  
situated,

Plaintiffs,

v.

BMW OF NORTH AMERICA, LLC,  
a Delaware corporation; and  
BAYERISCHE MOTOREN WERKE  
AKTIENGESELLSCHAFT (BMW  
AG), a corporation organized under the  
laws of Germany, ROBERT BOSCH  
GMBH, a corporation organized under  
the laws of Germany; and ROBERT  
BOSCH LLC, a Delaware Limited  
Liability Company,

Defendants.

Civil Action No. 2:18-cv-04363  
(KM) (JBC)

**Oral Argument Requested**

**MOTION DAY:** March 1, 2021

*Filed Electronically*

**NOTICE OF DEFENDANT BAYERISCHE MOTOREN WERKE  
AKTIENGESELLSCHAFT'S MOTION TO DISMISS PLAINTIFFS' FIRST  
AMENDED CONSOLIDATED CLASS ACTION COMPLAINT FOR LACK  
OF PERSONAL JURISDICTION**  
*(Oral Argument Requested)*

**PLEASE TAKE NOTICE** that on March 1, 2021, at 10:00 a.m., or as soon thereafter as counsel may be heard, the undersigned attorneys for Defendant Bayerische Motoren Werke Aktiengesellschaft (“BMW AG”) shall move before the Honorable Kevin McNulty, U.S.D.J., at the United States District Court for the District of New Jersey, Martin Luther King, Jr. Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey, for the entry of an order pursuant to Federal Rule of Civil Procedure 12(b)(2) dismissing with prejudice the First Amended Consolidated Class Action Complaint in the above-captioned action and for such other relief as the court deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Stipulation and Order entered by this Court on November 13, 2020, Plaintiffs’ opposition to BMW AG’s Motion to Dismiss is due on or before January 15, 2021, and BMW AG’s reply in further support of its Motion to Dismiss is due on or before February 15, 2021.

**PLEASE TAKE FURTHER NOTICE** that, in support of this motion, BMW AG will rely upon the Memorandum of Law, the Declaration of Ronny Löwa, and the Declaration of Trudy Hardy, as well as any submissions offered on reply.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is also submitted herewith.

Dated: December 16, 2020

Respectfully submitted,

LATHAM & WATKINS LLP

/s/ Kevin M. McDonough

Kevin M. McDonough

*kevin.mcdonough@lw.com*

Michael Lacovara (admitted *pro hac vice*)

*michael.lacovara@lw.com*

885 Third Avenue

New York, New York 10022

(212) 906-1200

Arthur F. Foerster (admitted *pro hac vice*)

*arthur.foerster@lw.com*

Johanna Spellman (admitted *pro hac vice*)

*johanna.spellman@lw.com*

330 North Wabash Avenue, Suite 2800

Chicago, Illinois 60611

(312) 876-7700

*Attorneys for Defendant Bayerische  
Motoren Werke Aktiengesellschaft*